



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-24256 - APPLICANT: BRIAN J. HORNER - OWNER:  
BRIAN J. HORNER, EDGAR AND PEGGY POE, RICHARD AND JOAN LEVITT**

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### **\*\* CONDITIONS \*\***

The Planning Commission (6-0 vote) and staff recommend DENIAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Rezoning from R-E (Residence Estates) to P-R (Professional Office and Parking) on 1.4 acres located on the south side of Oakey Boulevard, approximately 360 feet east of Rainbow Boulevard. The project site currently consists of three existing single family, detached residences.

The proposed rezoning to the P-R (Professional Office and Parking) zoning district is consistent with the O (Office) designation proposed by a companion General Plan Amendment (GPA-24245). It is also consistent with the existing office uses in the vicinity. Approval is recommended. However, the proposed designation and potential uses are not compatible with the surrounding area and staff, therefore, recommends denial of this rezoning request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/24/99	The City Council denied a request for a General Plan Amendment (GPA-0009-99) to designate a portion of the subject properties, 6811 and 6825 West Oakey Boulevard, from L (Low Density Residential) to O (Office). A companion Rezoning (Z-0014-99) to go from R-E (Residence Estates) to P-R (Professional Office and Parking) for a proposed professional office use was also denied. The Planning Commission tied during the voting and staff had recommended denial.
10/11/07	<p>The Planning Commission recommended denial of companion items GPA-24245 and SDR-24246 concurrently with this application.</p> <p>The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #35/rts).</p>
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no active or pending building permits or business licenses for this site.	
<b><i>Pre-Application Meeting</i></b>	
08/10/07	A pre-application meeting was held and elements of this application were discussed. Public Works brought to the applicant's attention concerns regarding the driveway widths and the Building Department talked about the extent of change that maybe needed to convert the existing structures from residential to commercial uses. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
09/12/07	<p>A neighborhood meeting was held at Memphis Championship Barbecue, 1401 South Rainbow Boulevard. Thirteen members of the public attended. Those in attendance had the following comments and concerns:</p> <ul style="list-style-type: none"><li>• Parking lot and Office will be unsecured at night and could attract undesirables;</li></ul>

	<ul style="list-style-type: none"> <li>• Reduction of Property Values;</li> <li>• Will have a domino effect on zoning down Oakey;</li> <li>• Traffic will increase;</li> <li>• Owner does not maintain property now; what will happen when office is built; and</li> <li>• Generally all in attendance were opposed.</li> </ul>
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<b>Field Check</b>	
09/14/07	The Department of Planning and Development conducted a site visit that found that there is an existing single family home on each of the three lots. Further, these are the only three residential lots on the block that front onto West Oakey Boulevard. There is no non-residential infiltration east of the shopping center that fronts onto Rainbow Boulevard.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.4 (Total of 3 Lots)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates) [Proposed: P-R (Professional Office and Parking)]
North	Condominiums	M (Medium Density Residential)	R-PD17 (Residential Planned Development - 17 Units Per Acre)
South	Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
East	Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	n/a
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>		X	n/a
<b>Trails</b>	X		Y *
<b>Rural Preservation Overlay District</b>	X		Y
<b>Development Impact Notification Assessment</b>		X	n/a
<b>Project of Regional Significance</b>		X	n/a

- \* There is an existing Pedestrian Path along West Oakey Boulevard. New development on the site must adhere to Exhibit 2 of the Transportation Trails Element of The Las Vegas 2020 Master Plan. An, if approved, condition has been added to the companion Site Development Plan Review (SDR-24246) that the required technical landscape plan must reflect the pedestrian trail and adhere to the above referenced exhibit.

## DEVELOPMENT STANDARDS

Development standards for the proposed P-R (Professional Office) zoning district are outlined below. Only one of the three properties that are a part of this rezoning request is prepared to proceed with an accompanying Site Development Plan Review (SDR-24246). Therefore, code compliance with regard to the development standards for a P-R (Profession Office and Parking) zoning district will be examined as a part of that review and any subsequent site development plan reviews performed for the other two properties in the future.

*Pursuant to Title 19.08, the following development standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>
Min. Lot Size	n/a
Min. Lot Width	60 Feet
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	20 Feet 5 Feet 15 Feet 15 Feet
Min. Distance Between Buildings	6 Feet
Max. Lot Coverage	50%
Max. Building Height	2 Stories / 35 Feet (whichever is less)
Trash Enclosure	Screened
Mech. Equipment	Screened

*Pursuant to Title 19.08.160, the following residential adjacency standards apply:*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>
3:1 proximity slope	<ul style="list-style-type: none"> <li>• Up to 15 Feet in Height – No Added Setback</li> <li>• Over 15 Feet in Height – 3 Feet of Setback for each Foot in Height</li> </ul>
Adjacent development matching setback	<ul style="list-style-type: none"> <li>• 35 Feet to the Rear (all properties)</li> <li>• 35 Feet to the Side (eastern most property)</li> </ul>
Trash Enclosure	<ul style="list-style-type: none"> <li>• 50 Feet from the Rear (all properties) and Side (eastern most property)</li> </ul>

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-E (Residence Estates)	2 Units / Acre	2 Units (3 Units Built) @ 1.4 Acres
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
P-R (Professional Office and Parking)	n/a	n/a
<b>General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R (Rural Density Residential)	3.49 Units / Acre	4 Units
Proposed: O (Office)	n/a	n/a

## ANALYSIS

The subject properties are located within the Southwest Sector Map of the General Plan. A General Plan Amendment (GPA-24245) would change the existing R (Rural Density Residential) land use designation to O (Office) for the three lots that make up the subject site of this rezoning request. The O (Office) category allows for small lot office conversions as a transition along primary and secondary streets from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations. The proposed use for these properties is permissible in the proposed O (Office) General Plan designation.

This rezoning proposes to change the subject parcels' zoning from R-E (Residence Estates) to P-R (Professional Office and Parking). The proposed P-R (Professional Office and Parking) zoning district is designed to provide office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single family structures should be retained or new development in the P-R District should be constructed to maintain a residential character. The proposed use for this location is permissible, in a P-R (Professional Office and Parking) zoning district which is compatible with the proposed O (Office) General Plan designation.

Previously, a Rezoning (Z-0014-99) was considered and denied for two of the properties, 6811 and 6825 West Oakey Boulevard, which would have changed the zoning district from R-E (Residence Estates) to P-R (Professional Office and Parking) for a proposed professional office use. Staff at the time had recommended denial based on the incompatibility of the commercial activity within the residential neighborhood.

The subject parcels are within the Rural Preservation Overlay District boundaries. This district, consisting of those areas that are deemed consistent with the definition and intent of a rural preservation neighborhood, is intended to: 1) ensure that the rural character of each rural preservation neighborhood is preserved; 2) unless a rural preservation neighborhood is located within three hundred thirty feet of an existing or proposed street or highway that is more than ninety-nine feet wide, maintain the rural character of the area developed as a low density residential development; 3) provide adequate buffer areas, adequate screening and an orderly and efficient transition of land uses, excluding raising or keeping animals commercially or non-commercially; and 4) establish a basis for the modification of standards for the development of infrastructure to maintain the rural character of the rural preservation neighborhood. The residential density of properties within this area is not to exceed two units per acre. The existing R (Rural Density Residential) General Plan designation and the R-E (Residence Estates) zoning district are in compliance with this intent. The change of designation to O (Office) and zoning district to P-R (Professional Office and Parking) would constitute an approval for intensification of use within this rural preservation neighborhood. While the Rural Preservation Overlay District Map, which indicates those areas that, at a particular point in time, are deemed consistent with the definition and intent of a rural preservation neighborhood may be amended from time to time to add areas to, or remove areas from, the Overlay District in order to reflect the fact that particular properties have come to qualify, or no longer qualify, for inclusion within a rural preservation neighborhood, good cause must be demonstrated in order for the City Council to approve an intensification of use. No demonstration of "good cause" has been presented either by the applicant or recent changes to the character of this area to warrant an intensification of use on these parcels.

In addition to the proposed General Plan Amendment (GPA-24245), this rezoning request was submitted in conjunction with a Site Development Plan Review (SDR-24246) for the conversion of one of the lot's (6825 West Oakey Boulevard) residential structure to a commercial office.

The P-R (Professional Office and Parking) zoning district is compatible with the proposed O (Office) General Plan designation; however, it is not compatible with the existing residential developments in the area or the intent of the Rural Preservation Overlay District. For these reasons, staff is recommending denial of this rezoning request.

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

- 1. "The proposal conforms to the General Plan."**

The proposed rezoning is consistent with the proposed O (Office) designation as listed under the Southwest Sector Plan of the General Plan. The current General Plan

designation on the site is R (Rural Density Residential). The majority of the surrounding area is R (Rural Density Residential). The addition of an O (Office) designation to this site would be out of character with the area and contrary to the intent of the General Plan.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

There are no other P-R (Professional Office and Parking) zoned properties in the vicinity and this rezoning request is considered inappropriate based on context that is primarily a residential neighborhood. Further, as it would allow an intensification of use, the proposed P-R (Professional Office and Parking) zoning category is not compatible with the surrounding rural character of the area.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

There are no growth or development factors which indicate a need for any commercial activities to locate in this area. There has been no specified or demonstrated good cause as to why the subject properties should be removed from the Rural Preservation Overlay District and the rezoning to the P-R (Professional Office and Parking) zoning district is not appropriate for the area.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The subject properties receive access from West Oakey Boulevard, an 80-foot wide collector street that should be adequate to meet the requirements of the proposed P-R (Professional Office and Parking) zoning district.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT**      3

**SENATE DISTRICT**      8

<b><u>NOTICES MAILED</u></b>	361	by Planning Department
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<b><u>APPROVALS</u></b>	0	
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<b><u>PROTESTS</u></b>	3	
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